REMARKS

Applicants respectfully request favorable reconsideration of the application, as amended.

At the outset, Applicants note that the outstanding Office Action provides definitions and characterizations regarding Applicants' specification and claims. (*See e.g., Final Office Action* at 4, 5, 11.) Applicants decline to automatically subscribe to any of the Office Action's definitions or characterizations.

By this Amendment, Applicants have submitted both a substitute specification and marked-up version of the specification; amended Claims 26-31, 34, and 35; and canceled Claims 15-25 without prejudice or disclaimer. No new matter has been added. As such, the rejections against Claims 15-25 are moot. Applicants, however, reserve the right to present the subject matter in any of the canceled claims in one or more continuing applications. Claims 26-35 remain pending.

In the Office Action mailed August 8, 2006, the Examiner noted that the specification must properly identify copending application 09/736,304; noted that the substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record; provisionally rejected Claims 15-22 and 24-35 under the judicially created doctrine of obviousness-type double patenting with Claims 13-45 of copending Application No. 09/736,304; rejected Claims 15-22 and 24-35 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement; rejected Claims 15-22 and 24-35 under 35 U.S.C. § 112, second paragraph, as being indefinite; and rejected Claims 15-17, 19, 21, 22, 24-28, 30, and 32-35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,308,208 to Jung et al. ("*Jung*") in view of U.S. Patent No. 6,460,070 to Turek et al. ("*Turek*").

In accordance with the Examiner's instructions, Applicants submit herewith a substitute specification, along with a marked-up version showing changes. Regarding the requirement to properly identify co-pending Application No. 09/736,304, Applicants have amended the specification to as suggested by the Examiner. No new matter has been added to the substitute specification.

Applicants assert that the double patenting rejections are moot relative to Claims 15-25 because these claims have been canceled. Regarding the provisional rejection of Claims 26-35, because Application No. 09/736,304 has issued as U.S. Patent No. 7,054,932, Applicants respectfully request that the Examiner withdraw the provisional double patenting rejection and issue a double patenting rejection (if still deemed necessary) to the above-noted patent. Upon receiving a double patenting rejection based on U.S. Patent No. 7,054,932, Applicants will submit a "Terminal Disclaimer to Obviate a Double Patenting Rejection Over a 'Prior' Patent."

With respect to the rejections under 35 U.S.C. § 112, first paragraph, Applicants respectfully disagree with the Office Action's assertions that the specification is "replete with contradictions" and is "so vague and lacking in descriptive and functional language that one skilled in the art would be forced to undergo undue experimentation to make and use the invention. (*Final Office Action*, at 7, 8.) Applicants have, however, submitted herewith a substitute specification (and marked-up version) to make the specification more readable.

The Office Action also alleged that "[a]ny and all specifics relating to the construction of objects, agents, and proxy agents, is completely omitted," which forces one skilled in the art "to undergo undue experimentation to perform many of the functions as claimed." (*Final Office Action* at 5-6.) Applicants respectfully disagree. Page 8 of

Applicants' substitute specification, for example, states that "indicator agents (A1, A2, B1, B2) are elementary programming and execution entities." Applicants' Substitute Specification further discloses that "indicator agents can be persistent objects, and their status is derived from data...An indicator agent (A1, A2, B1, B2) is an independent machine that reacts to notifications." *Substitute Specification*, at 8. The Substitute Specification also discloses that "[e]ach indicator agent (A1, A2, B1, B2) is an object of a class and is identified by a respective identifier id(A1), id(A2), id(B1), id(B2)...." *Substitute Specification*, at 8. Thus, as evidenced at least by the above-noted portions of Applicants' Substitute Specification, the specification indeed describes specifics of various claim elements.

The Office Action also alleges that "[t]he specifics of the various 'functions' utilized (i.e., Subscribe(), Management Information(), Val(), Valp()) are not expressly specified, and it is unclear what some of these functions even do. Thus, functional operation of the invention is unclear or missing." (*Final Office Action* at 6.) Applicants again disagree.

"Management Information ()," for example, merely indicates <u>a notification</u> that is either sent or received by an indicator agent. *Substitute Specification*, at 10. The notification "includes as parameters, a piece of management information that allows the sending agent to create an <u>association</u> between a propagation of a value modification and the other indicator agent (B1), and the identifier id(A1)." *Id.* (emphasis added). Thus, in this example, the "Management Information" notification allows the creation of the above-quoted association. Applicants acknowledge that the specification does not disclose the exact programming code of the notifications, but assert that various differentiations of code programming styles may be used to achieve the desired results of

a particular notification. A person of ordinary skill in the art would not have to perform undue experimentation to write a program that performed a particular way.

In view of the foregoing, Applicants respectfully submit that the specification is indeed enabling. Withdrawal of the aforementioned rejection is therefore respectfully requested.

With respect to the rejections under 35 U.S.C. § 112, second paragraph, Applicants have amended the claims to overcome the rejections. Therefore, Applicants believe the rejection to be overcome and respectfully request that the Examiner withdraw the Section 112, 2nd paragraph rejection.

Applicants represent that the rejections under 35 U.S.C. § 103(a) are improper because the Examiner has failed to properly set forth the rejections under the guidelines set forth in the M.P.E.P.

According to M.P.E.P. § 706.02(j), in rejecting claims under 35 U.S.C. § 103(a), the Examiner should set forth in the Office Action: (1) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate; (2) the difference or differences in the claim over the applied reference(s); (3) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (4) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

In the outstanding Office Action, the Examiner fails to identify the differences between either *Jung* or *Turek* and the claims of the present application; fails to identify how either of the references are to be modified to arrive at Applicants' claims; and, in particular, fails to explain why one of ordinary skill in the art would have been motivated

to make the proposed modification. The Examiner merely states that "Jung provided very similar teachings, related again with network conditions and deployed agents" and "the inventions are subcombination usable together on the same system." (*Office Action* at 11-12.) Such statements do not constitute a "motivation" statement.

Since the Office Action omits a motivation statement, and the references, themselves, fail to explicitly identify a suggestion or motivation to modify their teachings with the teachings of the other of the references (uncertain which elements to identify from the references to seek motivation for because the Office Action does not identify any missing features from either of the references), the Office Action does not establish a *prima facie* case of obviousness. *See* M.P.E.P. § 2142 (noting that one of the three basic criteria to establish a *prima facie* case of obviousness is a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings). Thus, because the Office Action fails to establish a *prima facie* case of obviousness, Applicants submit that Claims 26-35 are patentable over *Jung* and *Turek*.

In addition, notwithstanding the arguments presented above, and without acceding to the rejections under 35 U.S.C. § 103(a), amended independent Claim 26 recites a device that includes indicator agents that manage respective subscriber lists, and include, for example, writing means associated with each of the indicator agents, where each writing means writes an identification of at least one other indicator agent in the subscriber list. *Turek* and *Jung*, whether taken alone or in combination, at least fail to teach the above-noted element from amended independent Claim 26.

The outstanding Office Action is also completely silent with respect to the claimed subscriber list. (*Final Office Action* at 11-12.) Thus, since the Office Action has

not identified the subscriber list in either of the references, the references also must fail to teach or suggest a device that includes, for example, writing means associated with each of the indicator agents, where each writing means writes an identification of at least one other indicator agent in <u>a subscriber list</u>. In addition, the references disclose gateway machines 16 with a server component 22 that includes an object library 29. *Turek*, col. 4, lines 1-4; *Jung*, col. 4, line 13. The references also disclose that a TME server maintains an endpoint list, which keeps track of every endpoint in a managed region. *Turek*, col. 4, lines 42-49; *Jung* col. 4, lines 51-58. Neither the object library nor the endpoint list, which are managed by a gateway 16 and by a TME server, respectively, teach or suggest subscriber list<u>s</u> (i.e., more than one list) that are each managed by a respective indicator agent. Thus, *Turek* and *Jung*, whether taken alone or in combination, at least fail to teach or suggest subscriber lists that are managed by a corresponding indicator agent. Moreover, because *Turek* and *Jung* fail to teach or suggest the above-noted claim element, they also fail to disclose writing means associated with each of the indicator agents, where each writing means is arranged to write an identification of at least one <u>other</u> indicator agent in the <u>subscriber list</u>.

In view of the foregoing, Applicants submit that *Turek* and *Jung*, whether taken alone or in combination, fail to teach or suggest at least the above-noted elements from amended independent Claim 26. Accordingly, Claim 26 is patentable over *Turek* and *Jung*. Claims 27-31 are allowable at least based on their dependence from amended independent Claim 26.

Applicants assert that no new matter has been added, and the above-noted amendments place the application in condition for allowance or at least into better form for appeal. However, should the Examiner believe that any further action is necessary to
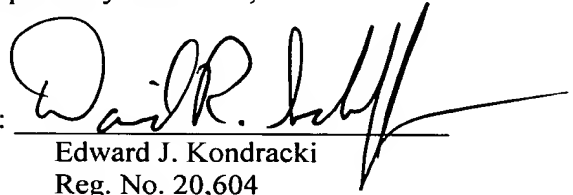
place this application in better form for allowance, the Examiner is invited to contact

Applicants' representative at the telephone number listed below.

   The Commissioner is hereby authorized to charge to Deposit Account No.

50-1165 (T2147-906756) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required

by this paper and to credit any overpayment to that Account. If any extension of time is

required in connection with the filing of this paper and has not been separately requested,

such extension is hereby requested.

                                        Respectfully submitted,

Date: December 8, 2006   By: _____
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